

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

RIVES et. al.

Plaintiff

v.

The University of Tennessee

Defendant

Civil Action No. 3:22-CV-414

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To:

General Counsel, American Veterinary Medical Association
1931 North Meacham Road, Suite 100, Schaumburg, IL 60173-4360

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: Any and all records regarding TENNESSEE University of Tennessee College of Veterinary Medicine 2407 River Drive Knoxville, TN 37996 Phone: 865-974-7262 Status: Accredited Last Evaluation: 2022 Next Evaluation: 2029 www.vet.utk.edu. See Exh. A

Place: Law Offices of Elisa S. Rives LLC
1226 Holiday Shores Road
Scottsboro, AL 35769

Date and Time:

02/02/2024 5:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 01/10/2024

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ Elisa S. Rives

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Dyllan Rives et. al., who issues or requests this subpoena, are:

Elisa S. Rives, Law Offices of Elisa S. Rives LLC, 1226 Holiday Shores Road, Scottsboro, AL 35769 (256) 558-4626

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT A

SUBPOENA FOR AMERICAN VETERINARY MEDICAL ASSOCIATION RECORDS

- UT College of Veterinary Medicine
- 2407 River Drive
- Room A104C
- Knoxville, TN 37996-4550

The University of Tennessee College of Veterinary Medicine is an AVMA accredited teaching institution. The last accreditation site visit was 2022. Produce any and all records regarding the AVMA's review of the above-named institution for the past five review periods. Including, but not limited to: emails, letters, notes, insufficiencies, progress notes, compliance notes, Finances, Organization and Communications, Physical Facilities and Equipment, Resources for Clinical Instruction, Library and Informational Resources, Admissions, Students, Faculty and Staff, Curriculum (specifically but not limited to ethics and legal duty), Outcomes Assessment (specifically but not limited to, if available, animal ventilation, specific disease assessment etc.), Adequate supervisory oversight, professionalism etc.

You may send your response electronically to the following email address:

esrives@esrivesllc.com

Should there be undue costs, concerns or problems responding to this subpoena you may contact:

Elisa S. Rives
Elisa S. Rives LLC
1226 Holiday Shores Road
Scottsboro, AL 35769.
(256) 558-4626

Or email: esrives@esrivesllc.com

Civil Action No. 3:22-CV-414

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* General Counsel American Veterinary Medical Ass.
on *(date)* 01/12/2024 .

☒ I served the subpoena by delivering a copy to the named person as follows: _____
by delivering the subpoena and accompanying documents to USPS to be served by certified mail return receipt
requested - Received and signed for _____ on *(date)* 01/16/2024 ; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: 02/02/2024



Server's signature

Elisa S. Rives/Attorney for plaintiffs

Printed name and title

1226 Holiday Shores Rd., Scottsboro, AL 35769

Server's address

Additional information regarding attempted service, etc.:

SENDER: COMPLETE THIS SECTION


■ Complete items 1, 2, and 3.

■ Print your name and address on the reverse so that we can return the card to you.

■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:


General Counsel, American Veterinary Medical Association
1931 North Meacham Road, Suite 100,
Schaumburg, IL 60173-4360


9590 9402 7483 2055 5635 50

2. Article Number (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

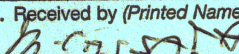
A. Signature

X 

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery



1/16

D. Is delivery address different from item 1?
If YES, enter delivery address below:

☐ Yes
☐ No

3. Service Type

☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over \$500)

☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
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For delivery information, visit our website at www.usps.com®.

7015 0920 0001 1576 9072

OFFICIAL USE

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Return Receipt Fee (Endorsement Required) \$0.00

Restricted Delivery Fee (Endorsement Required) \$0.00

Total Postage & Fees \$8.56

Postmark Here

JAN 12 2024

01/12/2024


Sent To

General Counsel, American Veterinary Medical Association

Street & Apt. No., or PO Box No. 1931 North Meacham Road, Suite 100,

City, State, ZIP+4 Schaumburg, IL 60173-4360

PS Form 3800, July 2014 See Reverse for Instructions

UNITED STATES
POSTAL SERVICE.

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1021 BLOUNT AVE
GUNTERSVILLE, AL 35976-1511
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Product	Qty	Unit Price	Price
First-Class Mail® Letter	1		\$0.66
Schaumburg, IL 60173 Weight: 0 lb 0.80 oz Estimated Delivery Date Tue 01/16/2024			
Certified Mail®			\$4.35
Tracking #:			
70150920000115769072			
Return Receipt			\$3.55
Tracking #:			
9590 9402 7483 2055 5635 50			
Total			\$8.56
Grand Total:			\$8.56
Cash			\$9.00
Change			-\$0.44

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit www.usps.com USPS Tracking or call 1-800-222-1811.

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<https://informedelivery.usps.com>

All sales final on stamps and postage.
Refunds for guaranteed services only.
Thank you for your business.

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Go to: <https://postalexperience.com/Pos>
or scan this code with your mobile device,



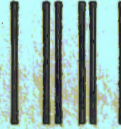
or call 1-800-410-7420.

Case 3:22-cv-00414-DCLC-JEM Document 62-1 Filed 02/20/24 Page 5 of 6 PageID #: 766

USPS TRACKING#



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Elisa S. Rives
Law Office of
Elisa S. Rives LLC
1226 Holiday Shores Rd.
Scottsboro, AL 35769

